IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9188 of 2005

Between:

Shaik Chand, S/o. Shaik Mohinuddin,
R/o. H.No. 2-7-54, Brahmanpuri, Nirmal, Adilabad District.

..... PETITIONER

AND

1 The District Collector, Adilabad District.
2 The Mandal Revenue Officer, Nirmal Mandal, Adilabad District.
3 The Assistant Director, Survey & Land Records, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an Order, Direction or Writ more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in not considering the Petitioner's representation dated 23-2-2005 requesting to issue pattadar pass book and title deed while undertaking survey and demarcation in respect of the agricultural land bearing Survey No. 49, admeasuring Ac. 0-33 Guntas, situated At Gajulapet Village, Nirmal, Adilabad District, held by me under the registered sale deed executed by the lawful owners and possessors in the year 1993, as illegal, arbitrary, violative of legal rights and opposed to the Principles of Natural Justice.

Counsel for the Petitioners: MR.P.PURUSHOTHAM REDDY

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following:

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THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9188 OF 2005

ORDER :

The petitioner claims to be the absolute owner and possessor of the agricultural land admeasuring Ac.0.33 guntas situated in Sy.No.49 of Gajulapet Village, Nirmal Mandal, Adilabad District, having purchased the same under a Registered Sale Deed dated 29-06-1993. It is stated that he made a representation dated 19-7-2004 to the 2nd respondent informing him that he purchased the land in question and requesting to enter his name in the Pattadar column in the Revenue Records. By letter dated 29-07-2004 the 2nd respondent advised the petitioner to file a rectification petition before the Assistant Director of Survey and Land Records, Adilabad stating that as per the report of the Deputy Inspector of Survey and Land Records, Adilabad, there is no corresponding new Sy.No.49 to old Sy.No.368 and as per the spot verification the new Sy.No.49 is included in new Sy.No.1707 classified as a Shikam. Thereafter, the petitioner made a representation dated 2-8-2004, in response to which the third respondent by Memo dated 17-01-2005 informed the petitioner that in the re-survey it was found that Sy.No.49 is included in Sy.No.1707 of Nirmal Village and therefore his request for entering his name as pattedar cannot be considered.

The petitioner disputes the resurvey said to have been conducted and

accordingly he made a representation dated 23-02-2005 to the 2nd respondent – Mandal Revenue Officer requesting to issue Pattadar Pass Book and Title Deed on resurvey and demarcation of the land in question. He also paid the requisite fee vide challan No.2645. However, his request has not been considered so far. The petitioner claims that since the land in question is not a Government land and there is no dispute as to the title, the respondents ought to have considered his representation and ought to have issued the pattedar pass book and title deed in his favour. Hence, this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

The learned Government Pleader for Revenue states that since the representation is pending with the 2nd respondent, the same will be considered in accordance with law.

Accordingly, without expressing any opinion as to the entitlement of the petitioner for grant of the pattadar pass book and title deed as sought by him, the Writ Petition is disposed of with a direction to the 2nd respondent to consider the representation of the petitioner dated 23-02-2005 and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. No costs.

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25th April, 2005.

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To

1 The District Collector, Adilabad District.
2 The Mandal Revenue Officer, Nirmal Mandal, Adilabad District.
3 The Assistant Director, Survey & Land Records, Adilabad District.

4 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

5 Two CD copies.